IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

Crl.Rev.Pet.No. 1659 of 2002()

C.C.NO.212/1993 OF JFCM, TIRUR
CRL.A.NO.129/1997 OF SESSIONS COURT, MANJERI

REVN. PETITIONER: APPELLANT/ACCUSED

KOLEKATT SAIDUMUHAMED,
S/O. MOIDEENKUTY, KANNAMPRA VILLAGE,
AKATHOOR, VADAKANCHERRY, PALAKKAD DISTRICT.

BY ADV. SRI.P.VIJAYA BHANU

RESPONDENTS: RESPONDENT/COMPLAINANT

STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 21/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.8959/2002 IN CRL.R.P.NO.1659/2002

DISMISSED.

SD/- K.R.UDAYABHANU, JUDGE

21/11/2007

\\TRUE COPY//

K.R.UDAYABHANU, J.

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

Crl. R.P.No.1659 of 2002

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

Dated this the 21st day of November, 2007

O R D E R

The revision petitioner stands convicted for the offences under Sections 279 and 338 I.P.C and sentenced to undergo simple imprisonment for six months and to pay a fine of Rs.1000/- and in default to undergo simple imprisonment for one month for the offence under Section 279 I.P.C. He is also sentenced to undergo simple imprisonment for two years and to pay a fine of Rs.1,000/- with respect to the offence under Section 338 I.P.C and in default to undergo simple imprisonment for one month.

2. The prosecution case is that on 12/10/1992 at about 10.15 a.m the accused drove bus bearing Reg.No.KL-9-1401 in a rash and negligent manner so as to endanger human life through the N.H and at Vattappara the same overturned and the passengers sustained hurt and grievous hurt.

3. The counsel for the revision petitioner has only sought for modification of sentence. It is submitted that more than 15 years have elapsed since the date of the incident and so far the accused was facing the criminal proceedings and that the wages of the accused is the sole

means of livelihood of his family. In the circumstances and considering the long lapse of time, the sentence imposed for the offence under Section 279 I.P.C is modified to pay a fine of rupees one thousand and in default to undergo simple imprisonment for one month. The sentence imposed for the offence under Section 338 I.P.C is also modified to imprisonment till the rising of the court and to pay compensation of rupees five thousand each to PWs.10 and 16 who had sustained serious injuries and in default to undergo simple imprisonment for three months each. The accused shall appear before the Judicial Magistrate of the First Class, Tirur, on 14/12/2007 to receive the sentence. The criminal revision petition is disposed of as above.

Sd/-

K.R.UDAYABHANU,
Judge

ms